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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,830	06/13/2005	Johannes-Theodor Menke	KKRT-00101-NUS	6635
33794	7590	06/28/2007		
MATTHIAS SCHOLL 14781 MEMORIAL DRIVE SUITE 1319 HOUSTON, TX 77079			EXAMINER ESTREMSKY, GARY WAYNE	
			ART UNIT 3676	PAPER NUMBER
			NOTIFICATION DATE 06/28/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/536,830

Applicant(s)

MENKE ET AL.

Examiner

Gary Estremsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/11/07 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 4, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. 'As best understood', the claimed invention has not been adequately disclosed as it is now claimed to allow one of ordinary skill in the art to make and use the invention.

It's not clear if claim 3 requires that the latch housing and latch cover are one part, or that they are one part each. Further however, limitation of "consist of at least one part" is confusing since limitation of "consist" requires that there are no more elements than those named element(s) listed in the limitation, while "at least" implies

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there may be more. Consequently, it is not clear how many parts are actually required by scope of the limitation.

Similarly with respect to claim 4, it's not clear if the latch housing and latch cover consists of two parts altogether, or that each of the latch housing and the latch cover consists of two parts, or if each has at least two parts but may include more.

Limitation of claim 17 is confusing and/or contrary in that it's not clear how functions of "electric opening" and "electric closing" can be carried out concurrently, with or without the additional listed functions of claim 16 also being carried out concurrently as set forth by the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 5, 7, 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Germany Pat. Document No. DE 100 57 352 to Hopper.

Germany '352 teaches Applicant's claim limitations including : a "vehicle door latch" - 1, a "housing of said vehicle door latch" – as shown in, at least one "additional assembly" – including 4,9,12,13 together comprise a "window lifting mechanism", "directly connected to" –as shown.

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As regards claims 7 and 23, broad limitation is anticipated by combination of juncture of the window lift mechanism and the latch housing where limitation of "seat" does not patentably distinguish from that contacting latch housing structure.

As regards claim 15, basic latching and locking functions that one of ordinary skill in the art would consider to be inherent to the latch of the reference anticipate limitation.

As regards claim 21, "connection" is broad enough to include intermediate elements forming a connection and has not patentably distinguished from the prior art. Alternatively, limitation of "housing" is broad enough to include elements 701,703,705. In either case, broad limitation has not patentably distinguished from structure of the prior art.

As regards claim 22 instead of combination of parts including 1 and 5 (identified above with respect to claim 1) anticipating "additional assembly" limitation, the handle's rod assembly anticipates broad limitation and where it also anticipates claim 22 limitation of "control unit for the door latch".

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 2-6, 8-11, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U Germany Pat. Document No. DE 100 57 352 to Hopper in view of U.S. Pat. No. 6,109,674 to Bartel.

Although Germany '352 does not disclose details of the latch's housing configuration, it is well known in the art to provide a latch with a three part housing and cover as illustrated by Bartel '674. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the assembly of Germany '352 to include a latch having details disclosed by Bartel '674 in order to interconnect the elements of the latch and hold them in such a manner that a long service life is insured and manufacture is easy.

As regards claims 10 and 11, even though Bartel '674 does not disclose details of the plastic material, it would have been an obvious choice for one of ordinary skill in the art to choose "polybutylene terephthalate" with or without 30 volume percent of fiberglass where it's well known that more or less fiberglass provides the finished composite plastic with material properties more or less similar to that of glass and/or less or more similar to the matrix material. Otherwise, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

As regards claim, 19, broad limitation of "axial support" is anticipated by any surface of the housing that might be relied upon to provide support along an axis, for example, left-most end surface as shown on the face of the Patent.

3. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germany Pat. Document No. DE 100 57 352 to Hopper in view of U.S. Pat. No. 6,145,354 to Kondo and U.S. Pat. No. 6,449,907 to Nishikawa.

Although Germany '352 may not explicitly disclose the door latch/lock being electric, Kondo '354 discloses that it is well known in the art to provide door latches with electric power operated latching/locking features. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door subassembly of Germany '352 with an electric door lock as taught by Kondo '354 in order to take advantage of the several power-driven latching/locking features disclosed therein.

4. Regardless, Germany '352, as modified does not disclose a "common control unit is provided for electrically controlling said vehicle door latch and said additional assembly", the reference does disclose the additional assembly including a window regulator mechanism. Nishikawa '907 discloses that it is well known in the art to provide a "common control unit" (40) for controlling an electric lock and power window regulator. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the assembly of Germany '352, as modified with a common control unit as taught by Nishikawa '907 in order to place the controls at a single, convenient location. As regards claim 13, unit 40 of Kondo '354, as relied upon reads on broad limitation of "control board" in that it is shown to be of generally planar geometry.

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germany Pat. Document No. DE 100 57 352 to Hopper in view of U.S. Pat. No. 6,145,354 to Kondo and U.S. Pat. No. 6,449,907 to Nishikawa.

Although Germany '352 discloses the assembly to include a mechanism for lifting windows, it's not clear that the reference discloses the door latch/lock being electric. Kondo '354 discloses that it is well known in the art to provide door latches with electric power operated latching/locking features. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the assembly of Germany '352 with an electric door lock as taught by Kondo '354 in order to take advantage of the several power-driven latching/locking features disclosed therein.

One of ordinary skill in the art would recognize that the electric central and double locking of Kondo '354, as relied upon, can be carried out concurrently while electric opening and closing will be performed at different times.

6. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U Germany Pat. Document No. DE 100 57 352 to Hopper.

Although the handle is not explicitly shown, one of ordinary skill in the art would have found connection of the housing to a handle to be inherent if not obvious for intended use of opening the latch. It's noted that limitation of "connected" is broad enough to include intermediate elements as well known in the art.

Although Germany '352 discloses a latch, it's not clear that the reference discloses the latch having a control unit for the door latch attached (along with one of

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the elements in the 'consisting' list of additional assemblies of claim 1) to the latch housing. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door subassembly of Germany '352 with an electric door lock control as well known in the art attached to the housing where examiner takes Official Notice that it is well known in the art to attach a latch control with a latch housing.

Response to Arguments

7. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 4,381,625 to Andei-Alexandru.

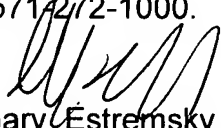
U.S. Pat. No. 6,075,298 to Maue.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary Estremsky
Primary Examiner
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